

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JAMAIRAH ABNEY, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ASHLEY ABNEY,

Respondent-Appellant,

and

JERMALL BROOKS and MACEO SCOTT,

Respondents.

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Before: Smolenski, P.J., and Fitzgerald and Kelly, JJ.

MEMORANDUM.

Respondent Ashley Abney<sup>1</sup> appeals as of right the trial court's order terminating her parental rights to her daughter pursuant to MCL 712A.19b(3)(c)(i) (conditions that led to termination continue to exist) and (g) (parent failed to provide proper care or custody). We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 3.977(J); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous when we are left with the firm and definite conviction that a mistake was made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). To be clearly erroneous, a decision must be more than maybe or probably wrong. *Sours, supra*. If the trial court determines that the petitioner has

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<sup>1</sup> Respondent named respondents Jermall Brooks and Maceo Scott as possible fathers of the child. A DNA test established that Brooks could not be the father, and he was dismissed from the case. The order terminating respondent's parental rights also terminated any parental rights any putative father might have possessed.

proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.* at 356-357.

We hold that clear and convincing evidence supported the trial court's decision to terminate respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i) and (g). The child was removed from respondent's care due to respondent's inability to provide for her needs, and in particular her significant medical needs. Petitioner provided various services to respondent, and while respondent took some positive preliminary steps, such as obtaining housing and attending parenting classes, the evidence showed that she had difficulty understanding what she was required to do to demonstrate that she could develop appropriate parenting skills. Petitioner's witnesses voiced doubt that respondent could maintain a stable home environment for the child on a long-term basis. The trial court's finding that termination of respondent's parental rights was warranted under MCL 712A.19b(3)(c)(i) and (g) was not clearly erroneous. No evidence showed that termination of respondent's parental rights clearly was not in the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Michael R. Smolenski  
/s/ E. Thomas Fitzgerald  
/s/ Kirsten Frank Kelly